REMARKS

The present application was filed on September 27, 1999 with claims 1-15. Claims 1-15 were canceled and claims 16-32 were added in an amendment filed on July 11, 2003. Claims 16-32 remain pending. Claims 16, 31 and 32 are the pending independent claims.

In the outstanding Office Action dated October 6, 2003, the Examiner: (i) objected to claims 17 and 28; (ii) rejected claims 16, 18, 20, 26, 31 and 32 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,659,742 to Beattie et al. (hereinafter "Beattie"); (iii) rejected claims 17, 19, 22, 24, 25, 27, 29 and 30 under 35 U.S.C. §103(a) as being unpatentable over Beattie in view of U.S. Patent No. 6,535,896 to Britton et al. (hereinafter "Britton"); (iv) rejected claim 23 under 35 U.S.C. §103(a) as being unpatentable over Beattie in view of Britton and U.S. Patent No. 6,438,543 to Kazi et al. (hereinafter "Kazi"); and (v) rejected claim 21 under U.S.C. §103(a) as being unpatentable over Beattie in view of U.S. Patent No. 6,243,713 to Nelson et al. (hereinafter "Nelson").

With regard to the objection to claims 17 and 28, on page 2 of the previous amendment claim 17 is dependent on independent claim 16. There was an error in the Appendix of the previous amendment, however claim 17 in the body of the previous amendment correctly recites that claim 17 is dependent on claim 16. Applicants acknowledge the indication of allowable subject matter in claim 28.

With regard to the rejection of claims 16, 18, 20, 26, 31 and 32 under 35 U.S.C. §103(a) as being unpatentable over Beattie, Applicants assert that such claims are patentable for at least the reasons that independent claims 16, 31 and 32, from which claims 18, 20 and 26 depend, are patentable.

The Office Action uses a single reference to reject the current application under 35 U.S.C. §103(a) and states that the difference between the reference and the claimed invention is that Beattie discloses a system that executes upon a query being generated as opposed to identifying text in an information source. The Office Action then states that it is well known to match an image to a particular text instance for publication of dynamic information. Applicants assert that, assuming arguendo that it is well known to match an image to a particular text in general, it is not obvious to

find an image in an image database module relating to an identified text instance for generating a dynamic representation of the data from the image and the data, as described in the claimed invention. Applicants assert that other distinctions exist as well. The Office Action fails to lay out how each element of the claims specifically relates to Beattie. A proper 35 U.S.C. §103(a) rejection must expressly specify how the cited reference(s) teach or suggest all the claim limitations. Nonetheless, Beattie fails to disclose the individual elements of the independent claims as described above.

Furthermore, the Federal Circuit has stated that when patentability turns on the question of obviousness, the obviousness determination "must be based on objective evidence of record" and that "this precedent has been reinforced in myriad decisions, and cannot be dispensed with." In re Lee, 277 F.3d 1338, 1343 (Fed. Cir. 2002). Moreover, the Federal Circuit has stated that "conclusory statements" by an examiner fail to adequately address the factual question of motivation, which is material to patentability and cannot be resolved "on subjective belief and unknown authority." Id. at 1343-1344.

In the Office Action at page 3, the Examiner provides the following statements to prove motivation to modify Beattie, with emphasis supplied: "it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a text processing module (query module) and image database module to equate the both an image and text for dynamic representation since it allows the user to visualize information that is presented in a text format."

Applicants submit that these statements are based on the type of "subjective belief and unknown authority" that the Federal Circuit has indicated provides insufficient support for an obviousness rejection. More specifically, the Examiner fails to identify any objective evidence of record which supports the proposed modification.

Beattie discloses a method for storing information in an information retrieval system having a database for retrieval of input information in response to a query.

Independent claims 16, 31 and 32 of the claimed invention recite techniques for creating a dynamic representation from data received from an information source. Data received from the information source is stored and at least one text instance is identified in the data using a text

processing module. An image is found in an image database module that relates to the text instance, and the dynamic representation of the data is generated from the image and the data.

Beattie fails to disclose the creation of a dynamic representation from data received from an information source. Instead, Beattie discloses a query which returns multimedia results. Beattie also fails to disclose the storing of data received from the information source. In this regard, a system having text and image information in a database that is searched as set forth in Beattie, cannot be reasonably analogized to the storing of data having text instances to be matched with images, as suggested by the Examiner. Beattie also fails to disclose a text processing module that identifies text instances in data and an image database module that finds an image relating to the text instance. Finally, Beattie fails to disclose the generation of a dynamic representation of data received from an information source from the image and the data.

For at least the above reasons, Applicants submit that independent claims 16, 31 and 32 are patentable over the cited reference. Applicants submit that claims 18, 20 and 26 are patentable over the cited reference not only due to their respective dependence on claims 16, 31 and 32, but also because such claims recite patentable subject matter in their own right.

With regard to the rejection of claims 17, 19, 22, 24, 25, 27, 29 and 30 under 35 U.S.C. §103(a) as being unpatentable over Beattie in view of Britton, Applicants assert that such claims are patentable for at least the reasons that independent claim 16, from which claims 17, 19, 22, 24, 25, 27, 29 and 30 depend, is patentable. The patentability of claim 16 is discussed above. Applicants submit that claims 17, 19, 22, 24, 25, 27, 29 and 30 are patentable over the cited references not only due to their respective dependence on claim 16, but also because such claims recite patentable subject matter in their own right. Further, Applicants point out that the Continued Prosecution Application (CPA) status of this application precludes the use of Britton as a reference under 35 U.S.C. §103(c). Accordingly, withdrawal of the rejection to claims 17, 19, 22, 24, 25, 27, 29 and 30 under 35 U.S.C. §103(a) is therefore respectfully requested.

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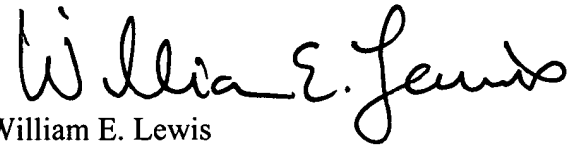
With regard to the rejection of claim 23 under 35 U.S.C. §103(a) as being unpatentable over Beattie in view of Britton and Kazi, Applicants assert that such claim is patentable for at least the reasons that independent claim 16, from which claim 23 depends, is patentable. The patentability

of claims 16 is discussed above. Applicants submit that claim 23 is patentable over the cited references not only due to its dependence on claim 16, but also because such claim recites patentable subject matter in its own right. Further, Applicants point out that the Continued Prosecution Application (CPA) status of this application precludes the use of Britton and Kazi as references under 35 U.S.C. §103(c). Accordingly, withdrawal of the rejection to claim 23 under 35 U.S.C. §103(a) is therefore respectfully requested.

With regard to the rejection of claim 21 under 35 U.S.C. §103(a) as being unpatentable over Beattie in view of Nelson, Applicants assert that such claim is patentable for at least the reasons that independent claim 16, from which claim 21 depends, is patentable. The patentability of claim 16 is discussed above. Applicants submit that claim 21 is patentable over the cited references not only due to its dependence on claim 16, but also because such claim recites patentable subject matter in its own right. Accordingly, withdrawal of the rejection to claim 21 under 35 U.S.C. §103(a) is therefore respectfully requested.

In view of the above, Applicants believe that claims 16-32 are in condition for allowance, and respectfully request favorable consideration.

Respectfully submitted,



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William E. Lewis
Attorney for Applicant(s)
Reg. No. 39,274
Ryan, Mason & Lewis, LLP
90 Forest Avenue
Locust Valley, NY 11560
(516) 759-2946